

## Board Bylaws

BB 9322(a)

### AGENDA/MEETING MATERIALS

#### Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

~~Governing Board meeting agendas~~ Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. However, the agenda need not provide an opportunity for public comment when the ~~consent~~ agenda item has previously been considered at an open meeting of a committee comprised exclusively of ~~all the~~ Board members, provided that members of the public were afforded an opportunity to comment on the item at that meeting, ~~unless~~ and that the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The agenda for a regular Board meeting shall also provide members of the public an opportunity to ~~testify at regular meetings~~ provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each ~~meeting~~ agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of ~~agenda~~ documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall ~~specify that~~ include information regarding how, when, and to whom a request should be made if an individual ~~should contact the Superintendent or designee if he/she~~ requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

The Board of Trustees require adequate time to review agenda items and their supporting contents. Final agenda contents must be delivered on time to avoid confusion. All final content for agenda items must be received by Executive Assistant to the Superintendent by 12:00 PM on the Friday prior to the Board Meeting. In the event the final agenda content is not received on time, the agenda item shall be removed from the agenda and rescheduled.

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## **AGENDA/MEETING MATERIALS (continued)**

If an agenda item is pulled because content was not received by deadline, the Board of Trustees shall be notified.

### **Presentation Guidelines for Santa Clara Unified Board Meetings**

School Board meetings should reflect best practices and the professional world that Santa Clara Unified School District students will enter. When a large amount of information accompanies a subject, detailed content may be submitted prior to a Board Meeting. Live presentations should be succinct and focused. Santa Clara Unified School District employees and all other persons that give presentations or reports at a Board Meeting shall follow the guidelines in the adopted Board of Board of Trustees Governance Handbook.

All reports and presentations should be:

1. 10 minutes maximum, 20 slides maximum and 30 point font minimum “10/20/30 rule”.
2. Presenters should give valuable, concise insight during presentations; slides should not be read to the audience.
3. All slides should be numbered.
4. Presenters should understand their audience. What message is being conveyed along with the slides?
5. Presenters should be ready to adjust as necessary; time constraints and many other factors may affect the outcome of your presentation.
6. Good presenters rehearse their presentation and are succinct. Presentations that are overly long, ill-considered or do not conform to the above guidelines may be ended early by the presiding officer.

Those giving presentations at Board Meetings are responsible for assuring that their presentation materials are uploaded to the Board Room computer and/or copied for the Board Meetings.

### **Agenda Preparation**

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning. Up to two (2) other board members will be invited to the agenda preparation meeting of a regular board meeting. Before July 1 of each year, the superintendent or designee will create and distributed a schedule of each agenda preparation meeting and which board members are invited.

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## AGENDA/MEETING MATERIALS (continued)

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 9121 - President)*

*(cf. 9122 - Secretary)*

~~The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting.~~ Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least ~~one week~~ **ten (10) days** before the scheduled meeting date. Items submitted less than ~~a week~~ **ten (10) days** before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request **from a member of the public** is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. **In addition, before placing the item on the agenda,** the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

**If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.**

The Board president and Superintendent shall **also** decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote; **or** an information item that does not require immediate action; ~~or a consent item that is routine in nature and for which no discussion is anticipated.~~

The Board President and Superintendent shall determine at which Board meeting the requested items will be placed on the agenda or an item to be placed on the list of Potential Future Agenda Items on the agenda. During the board meeting, when considering items on the potential future agenda items, the board requester of the item will get up to 2 minutes to discuss their request. The board will vote by Thumbs Up/Thumbs Down, and a ~~minority~~ **majority** will determine as to whether the item should go forward at a future meeting or not. If it is to move forward, the Board president and Superintendent will schedule the item for a future board meeting.

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent ~~agenda~~ items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an

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## **AGENDA/MEETING MATERIALS (continued)**

item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. ~~However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it.~~ (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

*(cf. 9323.2 - Actions by the Board)*

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 3320 - Claims and Actions Against the District)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

## **Consent Agenda/Calendar**

~~In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval.~~

~~When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.~~

~~The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it.~~ (Government Code 54954.3)

## **AGENDA/MEETING MATERIALS (continued)**

### **Agenda Dissemination to Board Members**

At least ~~three days~~ 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, ~~citizens~~, and others; and other available documents pertinent to the meeting.

When special meetings are called, ~~the Superintendent or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.~~ Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, ~~outside of a noticed meeting~~, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

*(cf. 9012 - Board Member Electronic Communications)*

### **Agenda Dissemination to Members of the Public**

~~The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)~~

Any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. ~~If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a~~ Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. ~~The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting.~~ (Government Code 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district web site. The posted agenda shall be accessible through a prominent direct link to the current

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## **AGENDA/MEETING MATERIALS** (continued)

agenda or to the district's agenda management platform in accordance with Government Code 54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

*(cf. 1113 - District and School Web Sites)*

*(cf. 1340 - Access to District Records)*

~~Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)~~

~~Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)~~

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. (Government Code 54957.5)

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

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## AGENDA/MEETING MATERIALS (continued)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

### *Legal Reference:*

#### EDUCATION CODE

35144 *Special meetings*

35145 *Public meetings*

35145.5 *Right of public to place matters on agenda*

#### GOVERNMENT CODE

6250-6270 *Public Records Act*

53635.7 *Separate item of business*

54954.1 *Mailed agenda of meeting*

54954.2 *Agenda posting requirements; board actions*

54954.3 *Opportunity for public to address legislative body*

54954.5 *Closed session item descriptions*

54956.5 *Emergency meetings*

54957.5 *Availability of public records*

54960.2 *Challenging board actions; cease and desist*

#### UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

#### COURT DECISIONS

*Mooney v. Garcia*, (2012) 207 Cal.App.4th 229

*Caldwell v. Roseville Joint Union High School District*, 2007 U.S. Dist. LEXIS 66318

#### ATTORNEY GENERAL OPINIONS

99 *Ops. Cal. Atty. Gen.* 11 (2016)

78 *Ops. Cal. Atty. Gen.* 327 (1995)

### *Management Resources:*

#### CSBA PUBLICATIONS

*Call to Order: A Blueprint for Great Board Meetings*, 2015

*The Brown Act: School Boards and Open Meeting Laws*, rev. 2014

#### ATTORNEY GENERAL PUBLICATIONS

*The Brown Act: Open Meetings for Legislative Bodies*, rev. 2003

#### WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

### Bylaw

Adopted: December 11, 2014

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Revised:

CSBA MAINTENANCE MANUAL UPDATES

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